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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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1- File Copy

☒ Responsive to communication(s) filed on *Mar 13, 2000* _____ .

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____*3*_____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-19* _____ is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-19* _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____ .

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- *SEE OFFICE ACTION ON THE FOLLOWING PAGES* ---

DETAILED ACTION

Introduction

1.   This office action is in response to Amendment B filed Mar 13, 2000. Claims 1-19 are

pending. Claim 20 is canceled. The rejections cited are as stated below

Response to Argument

As per claim 7, applicant argues the prior art did not teach a step of selectively

incrementing the first response time and a step of determining when a first response has been

received. Examiner point out the prior art taught the calculated formula incrementing the response

time by the formula and determining when the first response has been received [Ellis Fig 4, col 5

lines 64- col 6 lines 60].

As per claim 8, applicant argues the prior art did not teach the first response time is

incremented by a timer resolution value. Examiner point out the prior art taught the response time

is increased by a resolution value from the formula [Ellis Fig 4, col 6 lines 10]

As per claim 9, applicant argues the prior art did not teach setting a transmit sequence

value when the first frame of information is transmitted; initiating operation of a response timer

when the first information frame is transmitted; comparing the transmit sequence value and a

receive sequence value when the first response is received; and idling operation of the response

timer or time-out when the transmit sequence value (or a number of consecutive successful

responses) corresponds to the receive sequence value . Examiner point out at the initialization of

the operation, response time was set, when the first response received the formula was using to

figure the correspond sequence value [Ellis col 2 lines 55-64].

processing system and a second data processing system. Examiner point out when the first

response time is a maximum for response times for messages sent from the first network device

to the second network device [Ellis col 2 line 15-20].

As per claim 16, applicant argues the prior art did not teach the first response time is

incremented up to a maximum response time value. Examiner point out the maximum response

time as the initial value or the first response time [Ellis Fig 4].

As per claim 17, applicant argues the prior art did not teach a first data processing system

for communicating with a second data processing system, interface means for transmitting a first

information frame and for selectively receiving a first response in response to transmission of the

first information frame; a timer for measuring a first amount of time between transmission of the

first information frame and receipt of the first response, the timer being coupled to the interface

means; and a central processing unit coupled to the timer for selectively modifying a response

time value in response to the first amount of time. Examiner point out the prior art taught a first

data processing system for communicating with a second data processing system, interface means

for transmitting a first information frame and for selectively receiving a first response in response

to transmission of the first information frame [Ellis col 1 lines 52-col 3 lines 35]; a timer for

measuring a first amount of time between transmission of the first information frame and receipt

of the first response, the timer being coupled to the interface means [Chao col 2 lines 15-col 12

lines 58]; a central processing unit coupled to the timer for selectively modifying or incrementing

a response time value in response to the first amount of time [Ellis , col 6 lines 29-58]

As per claim 10, applicant argues the prior art did not teach restarting operation of the response timer when the transmit sequence value differs from the receive sequence value . Examiner point out the prior art taught In each query, the manager polls the agent start time or anything that is updated each time the agent is restarted [Chao col 9 lines 47-49].

As per claim 11, applicant argues the prior art did not teach transmitting a second information frame; selectively receiving a second response in response to transmission of the second information frame; measuring a second amount of time between transmission of the second information frame and receipt of the second response; and selectively initializing a query timer with a maximum response time value Examiner point out the prior art taught the first frame transmit to destination, reach the maximum response time and timeout. The formula calculates the retry time and time-out for the second frame [Ellis Fig 4]

As per claims 12 and 13, applicant argues the prior art did not teach selectively modifying the response time value to correspond to a residual time value remaining in a response timer after the second amount of time has passed and the response time value is selectively modified to equal the residual time value plus a timer resolution value. Examiner point out the increment or retry time or the adjustable time based on the calculated formula [Ellis col 2 lines 5-65].

As per claim 14, applicant argues the prior art did not teach the first response time is a default value. Examiner point out the default value as the initial value [Ellis Fig 4].

As per claim 15, applicant argues the prior art did not teach maximum amount of time the communication system requires to transfer the first frame of information between a first data

As per claim 18, applicant argues the prior art did not teach the central processing unit

dynamically modifies the response time value in response to the first amount of time. Examiner

point out the calculated formula dynamically modifies the response time value [Ellis Fig 4 col 6

lines 10].

As per claim 19, applicant argues the prior art did not teach incrementing the response

timer value by a preselected time period in response to the first amount of time. Examiner point

out the preselected time period may be increase by two [Ellis col 2 line 50-53].

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.
> This application currently names joint inventors. In considering patentability of the claims under 35
> U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any
> inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under
> 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later
> invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35
> U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7-19 are rejected under 35 U.S.C. § 103 as being unpatentable over Ellis

[5,719,882] in view of Chao et al [5,964,837]

As per claim 7, Ellis discloses a method for operating a communication system, the steps

of transmitting a first frame of information; determining when a first query response has been

received; and selectively incrementing the first response time when the first query response has

been received [such as a method of determine when to execute a timeout for a first message from

the first network device to the second device, the retry time and retry value for the second

network device are used, the retry time is adjusted based on the first response time by using the

designed formula, increment the response time by increment the retry time. This condition

(increment or modifying the response time) is selectable as a design choice at a beginning of the

operation or by the time the first response received by measurement and calculation. Ellis col 1

lines 52-col 3 lines 35, col 6 lines 29-58]. However Ellis did not explicitly detail the initiating

operation of a timer with a first response time. It is well-known in the art the timer (clock or

oscillator) are installed on the electronic devices. The skilled artisan would have looked into the

timing in computer art for further details and have found the Chao teaching. Chao et al taught a

method monitoring a network and generating topology information, using the timer to start and

restart the polling [Chao col 2 lines 15-col 12 lines 58]. Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to incorporate the query

timer or response timer as taught by Chao et al into the Ellis system to enhance the timing

calculation the response time in the communication network.

As per claim 8, Ellis-Chao discloses the first response time is incremented by a timer

resolution value as an inherent feature of the calculated formula [Ellis Fig 4 col 6 lines 10].

As per claim 9, Ellis-Chao discloses setting a transmit sequence value when the first frame

of information is transmitted; initiating operation of a response timer when the first information

frame is transmitted; comparing the transmit sequence value and a receive sequence value when

the first response is received; and idling operation of the response timer when the transmit

sequence value (or a number of consecutive successful responses) corresponds to the receive

sequence value [Ellis col 2 lines 55-64].

As per claim 10, Ellis-Chao discloses restarting operation of the response timer when the

transmit sequence value differs from the receive sequence value [Ellis col 2 lines 19-24].

As per claim 11, Ellis-Chao disclose transmitting a second information frame; selectively

receiving a second response in response to transmission of the second information frame;

measuring a second amount of time between transmission of the second information frame and

receipt of the second response; and selectively initializing a query timer with a maximum response

time value [Ellis Fig 4].

As per claims 12 and 13, Ellis-Chao disclose selectively modifying the response time value

to correspond to a residual time value remaining in a response timer after the second amount of

time has passed and the response time value is selectively modified to equal the residual time

value plus a timer resolution value as the inherent features of the adjustable time based on the

calculated formula [Ellis col 2 lines 5-65].

As per claim 14, Ellis-Chao discloses the first response time is a default value as the initial

value [Ellis Fig 4].

As per claim 15, Ellis-Chao discloses maximum amount of time the communication system

requires to transfer the first frame of information between a first data processing system and a

second data processing system [Ellis col 2 line 25].

As per claim 16, Ellis-Chao discloses the first response time is incremented up to a

maximum response time value [Ellis Fig 4 col 6 lines 10].

As per claim 17, Ellis-Chao discloses a first data processing system for communicating

with a second data processing system, interface means for transmitting a first information frame

and for selectively receiving a first response in response to transmission of the first information

frame; a timer for measuring a first amount of time between transmission of the first information

frame and receipt of the first response, the timer being coupled to the interface means; and a

central processing unit coupled to the timer for selectively modifying a response time value in

response to the first amount of time [Ellis col 1 lines 52-col 3 lines 35, col 6 lines 29-58][Chao col

2 lines 15-col 12 lines 58].

As per claim 18, Ellis-Chao discloses the central processing unit dynamically modifies the

response time value in response to the first amount of time as an inherent feature of the calculated

formula [Ellis Fig 4 col 6 lines 10].

As per claim 19, Ellis-Chao discloses incrementing the response timer value by a

preselected time period in response to the first amount of time [Ellis col 2 line 50-53].

Conclusion

3.   All claims are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.
Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the
extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the
mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of
this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened
statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and
any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory
action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date
of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed
to examiner Thong Vu, whose telephone number is (703) 305-4643. The examiner can normally be reached

on Monday-Thursday from 6:30AM- 4:00PM. The examiner can also be reached on alternate Fridays during the same hours.
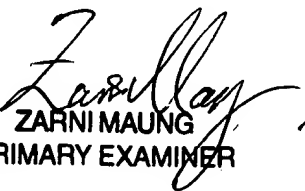
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Ahmad Matar*, can be reached on *(703) 305-4731 or via e-mail addressed to [Ahmad.Matar@uspto.gov]*. The fax number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [thong.vu@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thong Vu
May 30, 2000

ZARNI MAUNG
PRIMARY EXAMINER